IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Original Jurisdiction

Dated Nainital the 7th day of January 2004

Crl. Bail Application No. 11 of 2004

Order on the Bail Application

CRIMINAL SIDE

Roshan S/o Shri Murari,
R/o Village Gotha
P.S. Sitarganj
Distt. Udham Singh Nagar ..... Applicant

Vs.

State of Uttaranchal. ..... Opposite Party

Crime No. 364 of 2003.
Under Sections 147, 307, 323, 504, 506 IPC
P.S. Sitarganj,
District- Udham Singh Nagar.

By the court.

Hon,ble Rajesh Tandon, J.

Heard Sri S. K. Mandal, learned counsel for the accused/applicant and learned A.G.A.

It is argued that one of the co-accused Malkhan has already been granted bail by the trial court on 17.10.2003 and other two co-accused, namely, Sumant and Surendra have been granted bail by this court on 19.12.2003. The order is quoted below:-

Heard Sri S.K. Mandal, learned counsel for the applicant and learned A.G.A. for the state.

No specific injury of sharp-edged weapon like Kanta can be attributed to the injured of the case Chinu Prasad and according to the F.I.R. applicant-accused Surendra has wielded a Kanta in the incident. Considering this he is entitled to bail.

As regards the applicant-accused Sumant, he has been assigned the role of assailant by wielding Lathi. Co-accused Malkhan who was also assigned the similar role has been admitted to bail by the learned Sessions Judge on 17.10.2003 and in view thereof he is also entitled to bail.

For the above reasons both the applicants-accused are admitted to bail.

The applicants-accused Sumant and Surendra shall be released in crime No. 364/2003 under section 147,307,323,504,506 IPC, P.S. Sitarganj, District Udham Singh Nagar on their executing a personal bond each and two sureties each in the like amount to the satisfaction of C.J.M. Udham Singh Nagar.

It is prayed that on the ground of parity the applicant may be released on bail.

After hearing the parties, it appears that the prosecution has not assigned any specific role of the applicant. The injury has been reported to be simple in nature.

Let the applicant Roshan be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M., Udham Singh Nagar.

Dated 07.01.2004: **(Rajesh Tandon, J.)**

NCM